

REMARKS

Claims 1-10 and 12-20 are pending in the application, with Claims 1, 10, 15-16 and 19 being in independent form.

Applicant has amended Claims 1, 15-16 and 19.

Applicant acknowledges with thanks the indication at page 4 of the Action that Claims 10 and 15 are allowable.

Applicant turns now to the merits of the Action.

Section 102 Rejection:

Claims 1, 4-6, 8, 11-12, and 16-20 remain rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,018,011 (Schein) for the reasons given at page 2 of the Office Action mailed September 15, 2006 and now for the reasons given at pages 2-43 of the Office Action mailed October 7, 2006.

Claims 1-4, 7-9, 11-12, 14 and 16-20 remain rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,528,081 (Lien) for the reasons given at page 3 of the Office Action mailed September 15, 2006.

Applicant traverses the Section 102 rejections.

For the Examiner's benefit, Applicant provides a brief review of the present invention.

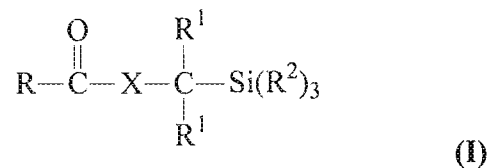
As now defined by Claim 1 as amended, for instance, the present invention is directed to and claims a method for

improving the skin over time in a curable silicone composition.

The method includes the steps of:

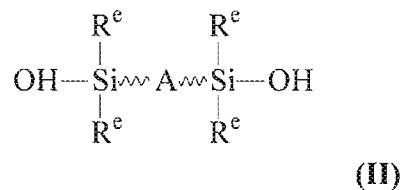
A. providing a curable silicone composition comprising:

a) a compound having the structural formula:



where R is a C₁₋₂₀ alkyl group which is optionally substituted or an unsaturated free radical-curing group; R¹ is hydrogen or a C₁₋₆ hydrocarbon radical; R² is a hydrolyzable group; X is oxygen; and R³ is H or C₁₋₁₂ hydrocarbyl group;

b) a polymer having the structural formula:



where A is a backbone selected from organic and siloxane backbones, and R^e is CH₃ or H; and

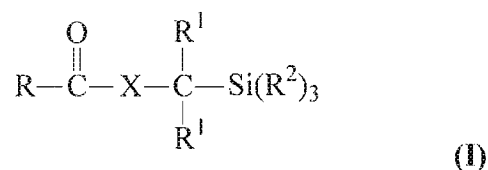
c) a cure system,

B. exposing the curable silicone composition to curingly effective conditions to cure the curable silicone composition.

In formula I, R is CH₃, the composition demonstrates a ten fold improvement in skin over time when exposed to curingly effective conditions as compared to a curable composition where when in formula I either X is not O or R is not CH₃, or both. See Examples section.

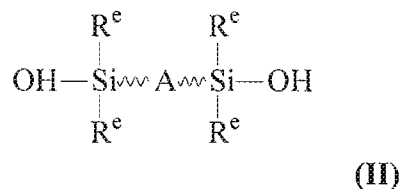
And as now defined by Claim 16 as amended, a curable composition is provided which includes the reaction product of

- a) a compound having the structural formula:



where R is a C₁₋₂₀ alkyl group which is optionally substituted or is an unsaturated free radical-curing group; R¹ is hydrogen or a C₁₋₆ hydrocarbyl radical; R² is a hydrolyzable group; X is oxygen; and R³ is H or C₁₋₁₂ hydrocarbyl group;

- b) a polymer having the structural formula:



where A is a backbone selected from organic or siloxane backbones, and R^e is CH₃ or H; and

- c) a cure system.

Neither Scheim nor Lien disclose, teach or suggest such a method or composition.

More specifically, Scheim, in contrast to the present invention, is directed to and claims certain polyorganosiloxanes, but none for instance having an oxygen atom attached to the alpha carbon of the silane in formula I.

And Lien, in contrast to the present invention, is directed to and claims a composition capable of curing by both moisture cure and UV cure mechanisms. The composition of Lien requires among other things 30-100 parts by weight of a reactive polyorganosiloxane terminated with acrylic functional dialkoxy- or diaryloxy-silyl groups and containing about 0.1-5% of a silicone moisture curing catalyst, which comprises the reaction product of a certain silanol terminated having a viscosity of between about 600 and 20,000 cst, with a certain acrylic functional trialkoxy- or triaryloxy-silane, in the presence of a condensation catalyst. The mole ratio of the silane to the silanol is from 2:1 and 6:1, and the reaction includes removing substantially all of the theoretical amount of alcohol produced thereby.

Significantly, Lien, like Scheim, does not disclose a polyorganosiloxane made from an acrylic functional trialkoxy- or triaryloxy-silane having an oxygen atom attached to the alpha carbon of the silane in formula I.

It is well settled that in order to be an effective anticipatory reference, a single document must disclose each and every recitation of a claim under review. Failing such precise disclosure, rejections under Section 102 are improper.

Since Scheim or Lien do not disclose, teach or suggest the invention as defined in any of the independent claims as now presented, neither of these documents is proper for citation as an anticipatory reference under Section 102.

As such, the Section 102 rejections must fall and Applicant requests that they no longer be maintained.

Section 103 Rejection:

Claims 1-4, 7-9, 11-14 and 16-20 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,371,116 (Sakamoto) for the reasons given at pages 3-4 of the Office Action mailed September 15, 2006 and now page 3 of the Office Action mailed November 7, 2006.

Applicant traverses the Section 103 rejections.

Sakamoto is directed to and claims a vulcanizable organopolysiloxane composition which includes 6 required components, chief among them being:

(A) a hydroxy-terminated organopolysiloxane of a certain formula;

(B) an acrylic or methacrylic functional alkoxysilane of a certain formula; and

(C) an alkoxy-, alpha-silyl ester of a certain formula.

Sakamoto's teaching fails to disclose teach or suggest a compound having structural formula I, as now defined, in any of (A), (B) or (C) above. Moreover, based on the required 6 components of Sakamoto, (the three detailed above and a divalent tin compound, a photo-polymerization initiator and a vulcanization catalyst), there is no motivation to reach Applicant's invention as now claimed. Moreover, based on the required 6 components of Sakamoto there would have been no reasonable expectation of success in achieving the improved skin over time that Applicant has demonstrated by the inventive composition and method.

Thus, Applicant submits that Sakamoto is not sufficient to render the claims unpatentable within meaning of the Section 103 and therefore the Section 103 rejections have been overcome. As such, Applicant requests that they no longer be maintained.

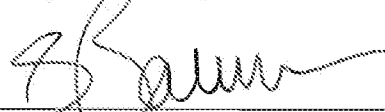
Having addressed and presented arguments to overcome each and every rejection advanced in the Action, Applicant respectfully requests favorable re-consideration and prompt passage to issue of the present application.

Application No. 10/524,542
Amendment After Final Rejection dated December 1, 2006
Office Action of November 7, 2006

In any event, this paper in any event represents an earnest attempt at advancing prosecution on the merits, and thus respectfully submits that entry thereof is proper and at a minimum helps to focus the issues for appeal.

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